

House Bill 529 (AS PASSED HOUSE AND SENATE)

By: Representatives Royal of the 171<sup>st</sup>, Harbin of the 118<sup>th</sup>, Keen of the 179<sup>th</sup>, Reese of the 98<sup>th</sup>, Hill of the 21<sup>st</sup>, and others

A BILL TO BE ENTITLED

AN ACT

1 To amend numerous provisions of the Official Code of Georgia Annotated so as to reflect  
 2 changes in the organization of the General Assembly with respect to budgetary functions; in  
 3 particular, to amend Title 15 of the Official Code of Georgia Annotated, relating to courts;  
 4 Title 17 of the Official Code of Georgia Annotated, relating to criminal procedure; Title 20  
 5 of the Official Code of Georgia Annotated, relating to education; Title 28 of the Official  
 6 Code of Georgia Annotated, relating to the General Assembly; Title 35 of the Official Code  
 7 of Georgia Annotated, relating to law enforcement; Title 45 of the Official Code of Georgia  
 8 Annotated, relating to public officers; and Title 50 of the Official Code of Georgia  
 9 Annotated, relating to state government, so as to provide for and reflect the abolition of the  
 10 Legislative Budget Office; to provide for the Senate Budget Office and the House Budget  
 11 Office and the powers, duties, and responsibilities of those offices; to repeal provisions  
 12 regarding the Budgetary Responsibility and Oversight Committee; to provide for related  
 13 matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

15 **PART I**

16 **SECTION 1-1.**

17 Title 45 of the Official Code of Georgia Annotated, relating to public officers, is amended  
 18 by revising Code Section 45-12-82, relating to filing of periodic work programs, as follows:  
 19 "45-12-82.

20 The Governor, through the Office of Planning and Budget, shall require each budget unit,  
 21 other than those of the legislative branch and the judicial branch, to file periodic work  
 22 programs with the Office of Planning and Budget at such time as the Office of Planning  
 23 and Budget shall direct. As provided in Code Section 45-12-83, no allotment of funds shall  
 24 be approved for any budget unit until such budget unit has filed a periodic work program  
 25 with the Office of Planning and Budget and the periodic work program has been approved

1 by the Governor. The work program shall be presented on forms prescribed by the Office  
 2 of Planning and Budget and shall contain such information as the Governor, through the  
 3 Office of Planning and Budget, may require. The work program shall include the amount  
 4 of the portion of the appropriation required for the period's expenditures based on the  
 5 budget prepared as provided in this part. Periodic work programs may be amended from  
 6 time to time in such manner as the Office of Planning and Budget may require. A duplicate  
 7 copy of all of the periodic work programs and any amendments thereto shall be filed  
 8 simultaneously with the Office of Planning and Budget, the director of the Office of  
 9 Treasury and Fiscal Services, the state auditor, ~~the Comptroller General, and the Office of~~  
 10 ~~Legislative Budget Analyst~~ the Senate Budget Office, and the House Budget Office."

#### 11 SECTION 1-2.

12 Title 8 of the Official Code of Georgia Annotated, relating to buildings, is amended by  
 13 revising Code Section 8-2-144, relating to accounting of certain fees by the Commissioner  
 14 of Insurance, as follows:

15 "8-2-144.

16 The Commissioner of Insurance shall file a report on or before December 15 of each year  
 17 accounting for all fees received by the Commissioner under this part and Part 3 of this  
 18 article for the preceding 12 month period and for the actual costs of the inspection  
 19 programs under this part and Part 3 of this article for the preceding 12 month period. Such  
 20 report shall be provided to the chairpersons of the House Appropriations Committee, the  
 21 Senate Appropriations Committee, the House Governmental Affairs Committee, and the  
 22 Senate Regulated Industries and Utilities Committee, the director of the Office of Planning  
 23 and Budget, ~~and~~ the director of the ~~Legislative~~ Senate Budget Office, and the director of  
 24 the House Budget Office."

#### 25 SECTION 1-3.

26 Title 15 of the Official Code of Georgia Annotated, relating to courts, is amended by revising  
 27 subsection (a) of Code Section 15-6-77.4, relating to certain additional divorce case filing  
 28 fees, as follows:

29 "(a) In addition to any fees required in Code Sections 15-6-77, 15-6-77.2, 15-6-77.3, and  
 30 47-14-51, for filing each divorce case, the clerk of superior court shall charge an additional  
 31 fee of \$5.00. Each clerk of the superior court shall collect the additional fees for divorce  
 32 cases as provided in this Code section and shall pay such moneys over to the Georgia  
 33 Superior Court Clerks' Cooperative Authority by the last day of the month there following,  
 34 to be deposited by the authority into the general treasury. The authority shall, on a quarterly  
 35 basis, make a report and accounting of all funds collected pursuant to this Code section and

1 shall submit such report and accounting to the Office of Planning and Budget, the  
 2 ~~Legislative~~ House Budget Office, and the Senate Budget Office no later than 60 days after  
 3 the last day of the preceding quarter."

#### 4 SECTION 1-4.

5 Said title is further amended by revising Code Section 15-9-60.1, relating to certain  
 6 additional marriage license fees, as follows:

7 "15-9-60.1.

8 In addition to any fees required in Code Section 15-9-60 for receiving marriage  
 9 applications, issuing marriage licenses, and recording relative thereto, the judge of the  
 10 probate court shall charge an additional fee of \$15.00 for issuing a marriage license. No  
 11 amount of this additional fee shall be paid into the Judges of the Probate Courts Retirement  
 12 Fund of Georgia provided for in Chapter 11 of Title 47 or be used for the purpose of  
 13 calculating retirement benefits for judges of the probate courts. Each judge of the probate  
 14 court shall collect the additional fees for issuing marriage licenses as provided in this Code  
 15 section and shall pay such moneys over to the Georgia Superior Court Clerks' Cooperative  
 16 Authority by the last day of the month there following, to be deposited by the authority into  
 17 the general treasury. The authority shall, on a quarterly basis, make a report and accounting  
 18 of all funds collected pursuant to this Code section and shall submit such report and  
 19 accounting to the Office of Planning and Budget, the ~~Legislative~~ House Budget Office, and  
 20 the Senate Budget Office no later than 60 days after the last day of the preceding quarter."

#### 21 SECTION 1-5.

22 Said title is further amended by revising paragraph (3) of subsection (e) of Code Section  
 23 15-18-12, relating to judicial circuit travel expenses, as follows:

24 "(3) In determining the travel budget for each judicial circuit, the council shall consider  
 25 the budget request submitted by the district attorney of each judicial circuit, the  
 26 geographic size and the caseload of each circuit, and such other facts as may be relevant.  
 27 The council is authorized to establish a contingency reserve of not more than 3 percent  
 28 of the total amount appropriated by the General Assembly in order to meet any expenses  
 29 which could not be reasonably anticipated. The council shall submit to each district  
 30 attorney, the state auditor, ~~and the legislative budget analyst~~ the House Budget Office,  
 31 and the Senate Budget Office a monthly report showing the budget amount of  
 32 expenditures made under the travel budget. The council may periodically review and  
 33 adjust said budget as may be necessary to carry out the purposes of this Code section."

**SECTION 1-6.**

Said title is further amended by revising Code Section 15-21-74, relating to payment of certain amounts of the Georgia Superior Court Clerks' Cooperative Authority, as follows:

"15-21-74.

The sums provided for in Code Section 15-21-73 shall be assessed and collected by the court officer charged with the duty of collecting moneys arising from fines and forfeited bonds and shall be paid over to the Georgia Superior Court Clerks' Cooperative Authority by the last day of the month there following, to be deposited by the authority into the general treasury. The authority shall, on a quarterly basis, make a report and accounting of all funds collected pursuant to this article and shall submit such report and accounting to the Office of Planning and Budget, the ~~Legislative~~ House Budget Office, and the Senate Budget Office no later than 60 days after the last day of the preceding quarter."

**SECTION 1-7.**

Said title is further amended by revising Code Section 15-21-113, relating to payment of certain amounts to the Georgia Superior Court Clerks' Cooperative Authority, as follows:

"15-21-113.

The sums provided for in Code Section 15-21-112 shall be assessed and collected by the court officer charged with the duty of collecting moneys arising from fines and shall be paid over by the last day of the following month to the Georgia Superior Court Clerks' Cooperative Authority for remittance to the Georgia Crime Victims Compensation Board, to be deposited into the Georgia Crime Victims Emergency Fund. The authority shall, on a quarterly basis, make a report and accounting of all funds collected pursuant to this article and shall submit such report and accounting to the Office of Planning and Budget, the ~~Legislative~~ House Budget Office, and the Senate Budget Office no later than 60 days after the last day of the preceding quarter."

**SECTION 1-8.**

Said title is further amended by revising subsection (c) of Code Section 15-21A-7, relating to the reporting and accounting system of the Georgia Superior Court Clerks' Cooperative Authority, as follows:

"(c) The authority shall, on a quarterly basis, make a detailed report and accounting of all fines and fees collected and remitted by any court and shall submit such report and accounting to the General Oversight Committee for the Georgia Public Defender Standards Council, the Office of Planning and Budget, the Chief Justice of the Supreme Court of Georgia, the ~~Legislative~~ House Budget Office, and the Senate Budget Office no later than 60 days after the last day of the preceding quarter."

**SECTION 1-9.**

Title 17 of the Official Code of Georgia Annotated, relating to criminal procedure, is amended by revising paragraph (3) of subsection (c) of Code Section 17-12-26, relating to the budget of the Georgia Public Defender Standards Council, as follows:

"(3) In determining the travel budget for each judicial circuit, the council shall consider the budget request submitted by the circuit public defender of each judicial circuit, the geographic size and the caseload of each circuit, and other facts as may be relevant. The council is authorized to establish a contingency reserve of not more than 3 percent of the total amount appropriated by the General Assembly in order to meet any expenses which could not be reasonably anticipated. The council shall submit to each circuit public defender, the state auditor, ~~and the legislative budget analyst~~ the Senate Budget Office, and the House Budget Office a monthly report showing the budget amount of expenditures made under the travel budget. The council may periodically review and adjust the travel budget as may be necessary to carry out the purposes of this subsection."

**SECTION 1-10.**

Title 20 of the Official Code of Georgia Annotated, relating to education, is amended by revising subsections (a) and (c) of Code Section 20-2-320, relating to the Education Information Steering Committee, as follows:

"(a) The Governor shall appoint a steering committee, which shall be named the Education Information Steering Committee, composed of representatives from the Department of Education, the Department of Technical and Adult Education, the Board of Regents of the University System of Georgia, the office of the Governor, the Office of Planning and Budget, the Department of Audits and Accounts, the Georgia Technology Authority, the Department of Early Care and Learning, the Professional Standards Commission, the Office of Student Achievement, the Georgia Public Telecommunications Commission, the ~~Legislative~~ Senate Budget Office, the House Budget Office, and local school systems. The steering committee shall identify the data required to implement the Quality Basic Education Program on a fiscally sound basis and the data required to evaluate the effectiveness of the components of public education in Georgia. The steering committee shall identify data that shall be required from local units of administration for the implementation of this article. Further, the steering committee shall develop a design for a state-wide comprehensive educational information system which will provide for the accurate, seamless, and timely flow of information from local and regional education agencies, units of the University System of Georgia, and technical schools and colleges to the state. The design shall include hardware, software, data, collection methods and times, training, maintenance, communications, security of data, and installation specifications and

1 any other relevant specifications needed for the successful implementation of this system.  
2 The state-wide comprehensive educational information system shall not use a student's  
3 social security number or an employee's social security number in violation of state or  
4 federal law to identify a student or employee. The steering committee shall present such  
5 recommendations to the Education Coordinating Council. Upon approval of the boards of  
6 the respective education agencies, such boards shall issue appropriate requests for  
7 proposals to implement a state-wide comprehensive educational information system,  
8 subject to appropriation by the General Assembly. The boards of the respective education  
9 agencies, at the direction of the Education Coordinating Council and working through the  
10 steering committee, shall initiate contracts with appropriate vendors and local units of  
11 administration for the procurement of services, purchase of hardware and software, and for  
12 any other purpose as directed by the Education Coordinating Council, consistent with  
13 appropriation by the General Assembly."

14 "(c) For the purpose of this article, authorized educational agencies shall be the  
15 Department of Education; the Department of Early Care and Learning; the Board of  
16 Regents of the University System of Georgia; the Department of Technical and Adult  
17 Education; the Education Coordinating Council; the Professional Standards Commission;  
18 the Office of Student Achievement; the education policy and research components of the  
19 office of the Governor; the Office of Planning and Budget; the ~~Legislative~~ Senate Budget  
20 Office; the House Budget Office; the House Research Office; and the Senate Research  
21 Office. Any information collected over the state-wide comprehensive educational  
22 information system, including individual student records and individual personnel records,  
23 shall be accessible by authorized educational agencies, provided that any information  
24 which is planned for collection over the system but which is temporarily being collected  
25 by other means shall also be accessible by authorized educational agencies and provided,  
26 further, that adequate security provisions are employed to protect the privacy of  
27 individuals. All data maintained for this system shall be used for educational purposes  
28 only. In no case shall information be released by an authorized educational agency which  
29 would violate the privacy rights of any individual student or employee. Information  
30 released by an authorized educational agency in violation of the privacy rights of any  
31 individual student or employee shall subject the authorized educational agency to all  
32 penalties under applicable state and federal law. Any information collected over the  
33 state-wide comprehensive educational information system which is not stored in an  
34 individual student or personnel record format shall be made available to the Governor and  
35 the House and Senate Appropriations, Education, Education and Youth, and Higher  
36 Education committees, except information otherwise prohibited by statute. Data which are  
37 included in an individual student record or individual personnel record format shall be

1 extracted from such records and made available in nonindividual record format for use by  
 2 the Governor, committees of the General Assembly, and agencies other than authorized  
 3 educational agencies."

4 **SECTION 1-11.**

5 Said title is further amended by revising Code Section 20-3-133, relating to certain payments  
 6 to local operating authorities, as follows:

7 "20-3-133.

8 There shall be paid to every local operating authority which shall have established a junior  
 9 college under this article, upon which construction had commenced prior to January 1,  
 10 1964, and which is not operated as a unit of the university system under the board of  
 11 regents an amount which shall be determined on the basis of a budget for each fiscal year,  
 12 developed pursuant to a formula agreed upon by the local operating authority, the director  
 13 of the Senate Budget Office, the director of the House Budget Office, and the director of  
 14 the Office of Planning and Budget, ~~and the legislative budget analyst~~. Budgets prepared  
 15 pursuant to this authority shall be for expenses incurred by a junior college for educational  
 16 and general expenditures as set forth in the latest edition of the publication entitled 'College  
 17 and University Business Administration.' Such formula shall include financial participation  
 18 from the local operating authority to include student matriculation fees and funds derived  
 19 from not less than a one-half nor more than a three-fourths mill tax established by the local  
 20 operating authority on the ad valorem tax digest of its political subdivision. No state funds  
 21 shall be appropriated for capital construction. Expenditure under this article shall be  
 22 audited annually by the Department of Audits and Accounts."

23 **SECTION 1-12.**

24 Title 28 of the Official Code of Georgia Annotated, relating to the General Assembly, is  
 25 amended by revising Code Section 28-4-6, relating to the legislative fiscal officer and  
 26 legislative budget analyst, as follows:

27 "28-4-6.

28 (a) The Legislative Services Committee is authorized to employ a legislative fiscal officer  
 29 for the legislative branch of government, ~~and the fiscal officer and personnel to assist him~~  
 30 ~~shall be a part of the Office of Legislative Counsel~~. The fiscal officer shall act as the  
 31 bookkeeper-comptroller for the legislative branch of government and shall maintain an  
 32 account of legislative expenditures and commitments. ~~He~~ Such fiscal officer shall maintain  
 33 an inventory of the equipment, furnishings, and nonexpendable items belonging to the  
 34 legislative branch. ~~He~~ Such fiscal officer shall prepare and sign vouchers pertaining to the  
 35 expenditure of legislative funds. ~~He~~ Such fiscal officer shall prepare and sign all warrants

1 for the expenditure of funds appropriated to and available to the legislative branch of  
 2 government. Such warrants shall be paid by the fiscal officer, and it shall not be necessary  
 3 that they be countersigned by the Comptroller General. All payments from funds  
 4 appropriated to the legislative branch of government shall be made by the fiscal officer, and  
 5 reference in any other law to any other official or person in connection with any duties  
 6 pertaining to such payments shall be deemed to refer to the fiscal officer; all duties of any  
 7 such other official or person in connection therewith are transferred to the fiscal officer.  
 8 The fiscal officer shall be under such bond as the Legislative Services Committee shall  
 9 prescribe, and the premium thereon shall be paid from funds appropriated to the legislative  
 10 branch of government. The fiscal officer shall have such other duties as shall be prescribed  
 11 by the committee.

12 ~~(a.1)~~(b) The legislative fiscal officer is authorized on behalf of the legislative branch to  
 13 pay any properly authorized invoice which does not exceed \$5,000.00. Any invoice which  
 14 exceeds \$5,000.00 may not be paid by such fiscal officer without prior approval from the  
 15 committee. The committee may provide for such approval to be given at meetings of the  
 16 committee, or in writing between meetings by a majority of the members of the committee,  
 17 or in such other manner as the committee may establish. All invoices shall contain in detail  
 18 a description of the work performed, materials used or purchased, and any other  
 19 information pertinent to the obligation. Before the fiscal officer may pay any invoice, a  
 20 requisition or purchase order covering such invoice and signed by the person or persons  
 21 authorized by the Legislative Services Committee to do so plus evidence of delivery must  
 22 have been submitted to the fiscal officer. A list of all invoices which have been paid shall  
 23 be submitted by the fiscal officer to the committee on a monthly basis.

24 ~~(b) The Legislative Services Committee is authorized to employ a legislative budget~~  
 25 ~~analyst to assist the General Assembly and its committees in connection with~~  
 26 ~~appropriations and budgetary matters. The legislative budget analyst shall render assistance~~  
 27 ~~and give advice to the appropriations committees of the Senate and the House of~~  
 28 ~~Representatives. He is authorized to request information and material from all state~~  
 29 ~~departments, boards, bureaus, commissions, committees, authorities, and agencies in~~  
 30 ~~connection with his duties; and all such departments, boards, bureaus, commissions,~~  
 31 ~~committees, authorities, and agencies are directed to furnish such information and material~~  
 32 ~~as he shall request. The legislative budget analyst shall perform such other duties as the~~  
 33 ~~General Assembly, the Legislative Services Committee, and the appropriations committees~~  
 34 ~~shall prescribe.~~

35 (c) A majority vote of the total membership of the Legislative Services Committee shall  
 36 be necessary to employ the legislative fiscal officer ~~and the legislative budget analyst."~~

**SECTION 1-13.**

Said title is further amended by revising Code Section 28-4-7, relating to control of joint legislative offices, as follows:

"28-4-7.

The Office of Legislative Counsel; and the Office of Legislative Fiscal Officer; ~~and the Office of Legislative Budget Analyst~~ shall be under the budgetary control of the Legislative Services Committee. The committee shall provide procedures for the employment of personnel to assist the legislative counsel; and the legislative fiscal officer; ~~and the legislative budget analyst~~; and those ~~three~~ two officials and such personnel shall be compensated under such procedure as the committee shall provide. The ~~three~~ two officials shall have supervision of personnel in their offices relative to the duties of their employment. The committee shall provide office space for the ~~three~~ offices and furnish them with supplies, materials, furniture, furnishings, books, equipment, and services."

**SECTION 1-14.**

Said title is further amended by adding a new Code Section 28-5-6 to read as follows:

"28-5-6.

(a) The Senate is authorized to establish and provide for a Senate Budget Office. The House of Representatives is authorized to establish and provide for a House Budget Office.

(b) The director of the Senate Budget Office is authorized to request information and material from all state departments, boards, bureaus, commissions, committees, authorities, and agencies in connection with his or her duties; and all such departments, boards, bureaus, commissions, committees, authorities, and agencies are directed to furnish such information and material as the director shall request.

(c) The director of the House Budget Office is authorized to request information and material from all state departments, boards, bureaus, commissions, committees, authorities, and agencies in connection with his or her duties; and all such departments, boards, bureaus, commissions, committees, authorities, and agencies are directed to furnish such information and material as the director shall request. All information and material received by the House Budget Office under this subsection shall be made available to the chairpersons of the House Appropriations Committee, the House Budget and Fiscal Affairs Oversight Committee, and other officers of the House of Representatives as may be designated by the Speaker of the House; and upon direction by such chairpersons and such other officers of the House as may be designated by the Speaker of the House, the House Budget Office shall request any needed information and material from any state department, board, bureau, commission, committee, authority, or agency."

**SECTION 1-15.**

Said title is further amended by revising paragraph (1) of subsection (c) of Code Section 28-5-42, relating to fiscal note requirements, as follows:

"(c)(1) In the event a bill having a significant impact as described in paragraph (1) of subsection (a) of this Code section is introduced not later than the twentieth day of any session, the chairperson of the committee to which such bill is referred shall request the director of the Office of Planning and Budget and the state auditor to submit any such fiscal note as to the fiscal effect of any such bill and to file a copy of such fiscal note with the ~~legislative budget analyst~~ Senate Budget Office and the House Budget Office. The chairperson shall make such request after the bill is referred to the committee."

**SECTION 1-16.**

Title 35 of the Official Code of Georgia Annotated, relating to law enforcement, is amended by revising subsection (a) of Code Section 35-2-41.1, relating to donation or conveyance of property, equipment, or services to the Department of Public Safety, as follows:

"(a) Any offer to donate or convey by deed, gift, rent, lease, or other means any property, equipment, or services to the department shall be made in writing through command channels to the commissioner. If the commissioner approves the offer, he or she shall submit a written proposal of the offer to the board for its approval. A copy of the formal proposal shall be forwarded by the commissioner to the Office of Planning and Budget ~~and the legislative budget analyst, either~~ the Senate Budget Office, and the House Budget Office, any of which may comment on the proposal."

**SECTION 1-17.**

Title 45 of the Official Code of Georgia Annotated, relating to public officers, is amended by revising subsection (b) of Code Section 45-12-85, relating to periodic work programs, as follows:

"(b) The Governor through the Office of Planning and Budget shall seek to effect economy, efficiency, decentralization of state government, and sound fiscal management in reviewing budget allotment requests and may make such changes to the budget allotment requests to meet these goals and objectives and which are consistent with and subject to the method and provisions contained in the General Appropriations Act. Upon determination that the requested budget allotment conforms with the approved work program and meets the above-mentioned goals and objectives, the Governor shall execute his or her warrant on the treasury for the funds included in the approved budget allotment. Notwithstanding any authorization for expenditure included in an appropriations Act, all appropriations in excess of the approved budget allotments for the budget year, as determined by the Office

1 of Planning and Budget, shall cease to be an obligation of the state. The Office of Planning  
 2 and Budget shall notify the House Budget Office ~~of Legislative Budget Analyst~~ and the  
 3 ~~Budgetary Responsibility Oversight Committee~~ Senate Budget Office of any such action  
 4 with appropriate supporting information."

5 **SECTION 1-18.**

6 Said title is further amended by revising subsection (d) of Code Section 45-12-95, relating  
 7 to certain duties of the Office of Planning and Budget, as follows:

8 "(d) The Office of Planning and Budget must review and approve all proposed cost-saving  
 9 initiatives prior to their implementation for the implementing agency to be eligible for  
 10 receipt of financial incentives. However, as part of this review, the Office of Planning and  
 11 Budget must consult with a cross section of agencies and the ~~Office of Legislative Budget~~  
 12 ~~Analyst~~ House Budget Office and the Senate Budget Office."

13 **SECTION 1-19.**

14 Said title is further amended by revising Code Section 45-12-110, relating to federal  
 15 assistance requirements, as follows:

16 "45-12-110.

17 (a) Any state department, board, bureau, commission, authority, or other state agency,  
 18 except the Board of Regents of the University System of Georgia and its employees,  
 19 intending to apply for any new program of federal assistance under any federal program  
 20 shall notify the ~~legislative budget analyst~~ House Budget Office, the Senate Budget Office,  
 21 and the director of the Office of Planning and Budget of its intention to apply for such  
 22 federal assistance at least 30 days prior to filing the application for such assistance. Such  
 23 notification shall include a summary description of the proposed federal assistance project,  
 24 the amount of federal funds to be requested, the amount of state matching funds, if any, to  
 25 be required in connection with obtaining federal assistance, and the period of time to be  
 26 covered by the proposed federal assistance project.

27 (b) The ~~legislative budget analyst~~ House Budget Office, the Senate Budget Office, and the  
 28 director of the Office of Planning and Budget, acting jointly or independently, are  
 29 authorized and directed to devise and distribute such forms as may be necessary to carry  
 30 out subsection (a) of this Code section and, in connection therewith, to adopt and  
 31 promulgate such rules and regulations as may be necessary to ensure compliance with said  
 32 subsection."



1 the membership of the committee, the director of the Office of Planning and Budget, ~~the~~  
 2 ~~legislative budget analyst~~ the House Budget Office, the Senate Budget Office, the state  
 3 auditor, and a representative from the Governor's office shall advise and consult with the  
 4 chief information officer regarding initiatives to receive funding from the technology  
 5 empowerment fund and shall receive quarterly reports from the chief information officer  
 6 as to the status of funded projects."

7 **SECTION 1-22.**

8 Said title is further amended by revising subsection (a) of Code Section 50-34-17, relating  
 9 to the OneGeorgia Authority Overview Committee, as follows:

10 "(a) There is established the OneGeorgia Authority Overview Committee to be composed  
 11 of one member of the House of Representatives to be appointed by the Speaker of the  
 12 House of Representatives, one member of the Senate to be appointed by the President of  
 13 the Senate, the director of the Senate Budget Office or his or her designee, the director of  
 14 the House Budget Office or his or her designee, and two members of the General Assembly  
 15 to be appointed by the Governor, ~~and the director of the Legislative Budget Office~~. The  
 16 legislative members shall serve for terms as members of the committee concurrent with  
 17 their terms of office as members of the General Assembly. The first members of the  
 18 committee shall be appointed by not later than July 1, 2000. Thereafter, their successors  
 19 shall be appointed during the first 30 days of each regular legislative session which is held  
 20 immediately following the election of members of the General Assembly."

21 **PART II**

22 **SECTION 2-1.**

23 Title 28 of the Official Code of Georgia Annotated, relating to the General Assembly, is  
 24 amended by repealing in its entirety Code Section 28-5-5, relating to the Budgetary  
 25 Responsibility Oversight Committee, which reads as follows:

26 " 28-5-5.

27 (a) There is created the Budgetary Responsibility Oversight Committee which shall be  
 28 composed of six members of the House of Representatives appointed by the Speaker of the  
 29 House of Representatives and six members of the Senate appointed by the President of the  
 30 Senate. The members of such committee shall be selected within ten days after the  
 31 convening of the General Assembly in each odd-numbered year and shall serve until their  
 32 successors are appointed.

33 (b) The Speaker of the House of Representatives shall appoint a member of the committee  
 34 to serve as chairperson and the President of the Senate shall appoint members of the

1 committee to serve as vice chairperson and secretary during each even-numbered year. The  
2 President of the Senate shall appoint a member of the committee to serve as chairperson  
3 and the Speaker of the House of Representatives shall appoint members to serve as vice  
4 chairperson and secretary during each odd-numbered year. Such committee shall meet at  
5 least six times each year and, upon the call of the chairperson, at such additional times as  
6 deemed necessary by the chairperson.

7 (c) It shall be the duty of such committee to consult with the Governor and the Office of  
8 Planning and Budget concerning the development and implementation of the strategic  
9 planning process, the development of outcome measures for program evaluation, and the  
10 implementation of related actions.

11 (d) It shall be the duty of such committee to review and evaluate the following:

12 (1) Information on new programs submitted in accordance with Code Section 45-12-88;

13 (2) The continuation budget report submitted in accordance with Code Section  
14 45-12-75.1;

15 (3) The strategic plans for the state and individual departments submitted by the Office  
16 of Planning and Budget;

17 (4) Program evaluation reports submitted in accordance with Code Section 45-12-178;

18 (5) Information or reports to be submitted by the Office of Planning and Budget  
19 identifying moneys received and purposes for which moneys are expended in any case  
20 in which the receipt or expenditure is not contemplated by an appropriations Act; and

21 (6) Such other information or reports as deemed necessary by such committee.

22 (e) The Office of Planning and Budget and the head of each budget unit shall cooperate  
23 with such committee and provide such information or reports as requested by the  
24 committee for the performance of its functions.

25 (f) The committee shall make an annual report of its activities and findings to the  
26 membership of the General Assembly and the Governor within one week of the convening  
27 of each regular session of the General Assembly. The chairperson of the committee shall  
28 prepare written executive summaries of such report prior to the adoption of the General  
29 Appropriations Act each year. The committee shall not be required to distribute copies of  
30 the annual report or the executive summaries to the members of the General Assembly but  
31 shall notify the members of the availability of the materials in the manner which it deems  
32 to be most effective and efficient.

33 (g) The members of the committee shall receive the allowances authorized for legislative  
34 members of legislative committees. The funds necessary to pay such allowances shall  
35 come from funds appropriated to the House of Representatives and the Senate.

36 (h) The committee shall be authorized to request that a performance audit be conducted  
37 for any department which the committee deems necessary."

**SECTION 2-2.**

Title 45 of the Official Code of Georgia Annotated, relating to public officers, is amended by repealing in its entirety Code Section 45-12-75.1, relating to the annual continuation budget report, which reads as follows:

" 45-12-75.1.

(a) On or before October 1 of 1994 and each year thereafter, the Governor, through the Office of Planning and Budget, shall prepare and submit to the Budgetary Responsibility Oversight Committee a continuation budget report. On or before May 1 of 1994 and every year thereafter, the Governor, through the Office of Planning and Budget, shall consult and coordinate with the chairperson of the Budgetary Responsibility Oversight Committee to develop a list of agencies and programs in agencies which will be included in the continuation budget report for the year. Each state department shall be included in the continuation budget report not less than once every five years. The continuation budget report shall contain a detailed analysis of the funds necessary to provide services in the current fiscal year for each state agency and program examined. Such report shall address all programs and shall include a description of the purposes and accomplishments of the programs.

(b) The committee shall consider the budget report prepared pursuant to this Code section in conjunction with the audit report prepared pursuant to paragraph (4) of Code Section 50-6-24.

(c) The committee shall prepare a list of all programs included in the continuation budget report for each department examined as well as actions recommended, if any, by the committee. Within one week of the convening of each regular session of the General Assembly, the committee shall notify the members of the availability of the list in the manner which it deems to be most effective and efficient.

(d) It is the intent of this Code section to examine all state departments not less than once every five years."

**SECTION 2-3.**

Said title is further amended by revising Code Section 45-12-88, relating to information required to be furnished to the Budgetary Responsibility Oversight Committee, and inserting in its place the following:

"45-12-88.

~~When any budget unit has plans to institute any new program, it shall be the duty of the head of such unit to furnish to the Budgetary Responsibility Oversight Committee, on September 1 prior to the convening date of the session at which appropriations to finance such program are to be sought, a description of the program, the reason for seeking to~~

1 ~~institute such program, the operating procedure of such program, the manner in which it~~  
 2 ~~conforms to the organization's strategic plan as well as the state strategic plan, the extent~~  
 3 ~~to which the facilities and staff to implement or provide the program will be decentralized;~~  
 4 ~~and any other information which would be helpful to the members of the committee in~~  
 5 ~~determining whether or not to appropriate funds therefor. The members shall also be~~  
 6 ~~furnished with the projected cost to implement the program fully. Reserved.~~"

7 **SECTION 2-4.**

8 Said title is further amended by revising subsection (b) of Code Section 45-12-175, relating  
 9 to preparation of long-range development plans, as follows:

10 "(b) The Office of Planning and Budget shall cause to be prepared and coordinate the  
 11 development of strategic plans by departments, boards, bureaus, commissions, institutions,  
 12 authorities, and other agencies to ensure that the state-wide directions are met. The Office  
 13 of Planning and Budget shall:

14 (1) Ensure that the focus of the various plans do not conflict with the general state goals;

15 (2) Offer assistance to the various departments, boards, bureaus, commissions,  
 16 institutions, authorities, and other agencies of state government in the design and  
 17 execution of their programs and be the coordinating agency for the separate department  
 18 or agency proposals; and

19 (3) Phase in implementation by the various departments, boards, bureaus, commissions,  
 20 institutions, authorities, and other agencies of state government. ~~By September 1 of 1993~~  
 21 ~~and each year thereafter until all departments, boards, bureaus, commissions, institutions,~~  
 22 ~~authorities, and other agencies have initiated strategic planning, the Office of Planning~~  
 23 ~~and Budget shall notify the Budgetary Responsibility Oversight Committee as to which~~  
 24 ~~departments, boards, bureaus, commissions, institutions, authorities, and other agencies~~  
 25 ~~will initiate strategic planning in the coming year; and~~

26 (4) ~~Present such strategic plans, in cooperation with the affected department, board,~~  
 27 ~~bureau, commission, institution, authority, or other agency, to the Budgetary~~  
 28 ~~Responsibility Oversight Committee."~~

29 **SECTION 2-5.**

30 Said title is further amended by repealing in its entirety Code Section 45-12-178, relating to  
 31 certain review of state programs and functions, which reads as follows:

32 " 45-12-178.

33 (a) It is the intent of the Governor and the General Assembly that taxpayers' money be  
 34 spent in the most effective and efficient manner possible in order to obtain the maximum  
 35 benefit from such expenditures. In furtherance of this objective, the Governor, through the

1 Office of Planning and Budget, shall assist the General Assembly in establishing an  
2 ongoing review and evaluation of all programs and functions in state government.

3 (b) The chairperson of the Budgetary Responsibility Oversight Committee shall maintain  
4 a list of those programs for which the committee is requesting evaluations. The chairperson  
5 shall provide the list, and any subsequent revisions to the list, to the director of the  
6 Governor's Office of Planning and Budget and to the state auditor.

7 (c) The Office of Planning and Budget, the Department of Audits and Accounts, and the  
8 Research Office of the Budgetary Responsibility Oversight Committee shall undertake and  
9 complete evaluations on as many of those requested programs as resources will permit. The  
10 Office of Legislative Budget Analyst, the Board of Regents of the University System of  
11 Georgia, and all other state agencies are authorized and directed to provide assistance to  
12 the Office of Planning and Budget, the Department of Audits and Accounts, and the  
13 Research Office of the Budgetary Responsibility Oversight Committee, as requested, in the  
14 performance of these evaluations. The Office of Planning and Budget, the Department of  
15 Audits and Accounts, and the Research Office of the Budgetary Responsibility Oversight  
16 Committee are also authorized to contract with private contractors to perform, or assist in  
17 the performance of, these evaluations.

18 (d) The Office of Planning and Budget, the Department of Audits and Accounts, and the  
19 Research Office of the Budgetary Responsibility Oversight Committee shall report to the  
20 Budgetary Responsibility Oversight Committee on the results of program evaluations as  
21 such evaluations are completed. Such reports shall include:

22 (1) Appropriate background information on the affected program, including how and  
23 why it was initiated, its functions, what group it serves, how it is organized structurally  
24 and geographically, what are its staff size and composition, and what is its workload;

25 (2) Financial information including the source and amounts of funding and unit costs,  
26 where applicable;

27 (3) A description of the program's mission, goals, and objectives and an assessment of  
28 the extent to which the program has performed in comparison;

29 (4) Comparisons with other applicable public and private entities as to their experiences,  
30 service levels, costs, and staff resources required;

31 (5) Recommendations concerning the program, including whether it should be continued  
32 as it is currently operated, continued with identified steps to remediate deficiencies or  
33 institute improvements, or discontinued. Consideration should also be given to possible  
34 privatization or consolidation with other similar programs;

35 (6) Information describing the locations at which the program is operated and  
36 administered and the extent to which the operation and administration could be  
37 decentralized; and

1 (7) Such other information as is identified as appropriate.

2 (e) It is the intent of the General Assembly that all programs be evaluated at least every  
3 ten years.

4 (f) Department heads shall respond, in writing, within 90 days of the receipt of the report  
5 to recommendations and findings by the Office of Planning and Budget or the Department  
6 of Audits and Accounts setting forth in detail the action to be taken by said department to  
7 address the recommendations and findings. Said written response shall be made to the  
8 Office of Planning and Budget, the Department of Audits and Accounts, and the Budgetary  
9 Responsibility Oversight Committee.

10 (g) The Research Office of the Budgetary Responsibility Oversight Committee shall verify  
11 with state departments the implementation of the departments' plans set forth in their 90  
12 day responses as submitted in accordance with subsection (f) of this Code section. The  
13 Research Office shall inform the Budgetary Responsibility Oversight Committee about  
14 each department's progress at reasonable intervals."

15 **PART III**

16 **SECTION 3-1.**

17 This Act shall become effective upon its approval by the Governor or upon its becoming law  
18 without such approval.

19 **SECTION 3-2.**

20 All laws and parts of laws in conflict with this Act are repealed.